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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
DARRYL MCQUILLION,  
  
Defendant.

No.: CR 01-423 JSW

STATUS REPORT AND PARTIES'  
STIPULATION AND ~~PROPOSED~~ ORDER  
REQUESTING MAY 21, 2009 HEARING  
BE VACATED

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties last appeared on February 12, 2009. At that time, the court set the following dates: May 21, 2009 for hearing on defendant's motion(s); July 27 for pre-hearing conference, and August 24 for trial.

2. Since the parties last appeared, plea negotiations have been ongoing. Further, the government has been in contact with the prosecutor's office in Milwaukee, Wisconsin where the defendant has a robbery charge pending. The parties are trying to effect a global resolution of all matters but require additional time. The parties are optimistic that the matter will resolve

without the need for trial. Neither party has filed any motions with the court.

3. The parties respectfully request that the May 21 hearing date be vacated and that the pre-hearing conference and trial dates be confirmed. If there is a resolution in the interim, the parties will request that the matter be added to calendar for change of plea purposes.

4. It is therefore the request of both parties that the matter be continued until July 27 for pre-hearing conference. Thus far, time has been excluded under the Speedy Trial Act (18 U.S.C. § 3161(h), et. seq.) up through May 21, 2009 for effective preparation of counsel. The parties request that this exclusion continue and that time be excluded through July 27, 2009.

SO STIPULATED.

DATED: May 20, 2009

Respectfully Submitted,

/s/  
SUSAN R. JERICH  
Assistant United States Attorney

DATED: May 20, 2009

/s/  
HAROLD ROSENTHAL  
Counsel for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 20, 2009

  
HON. JEFFREY J. WHITE  
Judge, United States District Court

This matter remains on calendar for a pretrial conference on July 27, 2009. The parties are reminded to consult with this Court's Guidelines for criminal jury trials regarding the materials that must be filed two weeks before the pretrial conference.